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March 13, 2017

**VIA CM/ECF**

Honorable Richard M. Berman  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 17B  
New York, NY 10007-1312

**Re: Kukkadapu, et al., v. Embraer S.A., et al., 16-cv-6277 (RMB)**

Dear Judge Berman:

We represent Lead Plaintiff Employees' Retirement System of the City of Providence in the above-referenced action (the "Action"). Pursuant to Rule 1.A. of Your Honor's Individual Rules of Practice, we write to respectfully request a conference to address (i) Defendants Embraer S.A. ("Embraer"), Frederico Pinheiro Fleury Curado ("Curado"), and José Antonio de Almeida Filippo's ("Filippo") (collectively, the "Served Defendants") requests for a pre-motion conference for their anticipated motions to dismiss; and (ii) Lead Plaintiff and Embraer's letters regarding proceeding with this litigation against the Served Defendants, while efforts to serve Defendants Luiz Carlos Siqueira Aguiar ("Aguiar"), Flavio Rimoli ("Rimoli"), and Terena Penteado Rodrigues ("Rodrigues") (collectively, the "Unserved Defendants") in Brazil are still ongoing.

On December 13, 2016, Lead Plaintiff filed the Amended Class Action Complaint (ECF No. 35). On January 18, 2017, Embraer filed a letter requesting a pre-motion conference for its anticipated motion to dismiss (ECF No. 57). On January 20, 2017, this Court filed an endorsed order directing Plaintiff's counsel to apprise the Court of the status of service upon the Unserved Defendants (ECF No. 58). On January 24, 2017, Lead Plaintiff filed a letter responding to this Court's directive (ECF No. 60), and requesting that this Court either: 1) allow the litigation to proceed apace against the Served Defendants, while Lead Plaintiff attempts to effectuate service against the Unserved Defendants in Brazil, a process that can take more than a year; or 2) provide for alternative service pursuant to Fed. R. Civ. P. 4(3). On February 1, 2017, Embraer filed a letter responding to Plaintiff's January 24, 2017 letter (ECF No. 64). On February 4, 2017, this Court filed an endorsed order directing Lead Counsel to submit an affidavit detailing its efforts to effect personal service and identify the most current addresses of the Unserved Defendants (ECF No. 66). On February 10, 2017, Curado and Filippo filed a letter requesting a pre-motion conference for their anticipated motions to dismiss (ECF No. 67). On February 14, 2017, Lead Plaintiff filed a letter detailing its efforts to effect personal service upon the Unserved Defendants (ECF No. 68) pursuant to this Court's Order (the "Affidavit").

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As detailed in Lead Plaintiff's prior correspondence to the Court, as well as the Affidavit, Lead Counsel has taken, and will continue to undertake, extensive measures in order to effectuate service upon the Unserved Defendants in this Action. Nevertheless, Lead Plaintiff anticipates that it will likely take at least one year to effectuate such service. We respectfully submit that holding this Action in abeyance for such an extended period of time will cause undue prejudice on both Lead Plaintiff and the putative Class.

As such, Lead Plaintiff respectfully requests that the Court either: 1) hold a pre-motion conference to set a schedule for Defendants' anticipated Motion to Dismiss and attendant briefing; or 2) grant Lead Plaintiff's application to allow alternative service pursuant to Federal Rules of Civil Procedure 4(f)(3) via i) personal service at the Unserved Defendants' last known addresses, identified in Lead Plaintiff's Affidavit, ii) registered and/or overnight mail at those addresses, or (iii) by any alternative means this Court deems appropriate.

We are available to address any questions or concerns the Court may have on this matter.

Respectfully submitted,

/s/ Jeremy A. Lieberman  
Jeremy A. Lieberman

Encl.

cc: All counsel of record via ECF